

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

AUSTIN EDWARD LIGHTFEATHER,

Plaintiff,

vs.

CITY OF LINCOLN,

Defendant.

4:20CV3118

MEMORANDUM AND ORDER

This matter is before the court on Plaintiff's Notice of Appeal and Motion for Leave to Proceed in Forma Pauperis on Appeal. (Filing 154.) Plaintiff appeals from the court's June 29, 2022 Memorandum and Order (filing 152) denying Plaintiff's motions to re-open this case. The judgment dismissing this case without prejudice (filing 113) was entered on May 24, 2021.

As stated in the Prison Litigation Reform Act ("PLRA"), a prisoner cannot

bring a civil action or appeal a judgment in a civil action or proceeding [IFP] if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.

28 U.S.C. §1915(g).

This court has determined that three or more federal court cases, including the present one, brought by Plaintiff, while a prisoner, were dismissed as frivolous or for failure to state a claim. *Lightfeather v. Prey et al*, No. 8:21-cv-00211-RGK-PRSE (D. Neb.) (Filing Nos. 15 & 16, finding Plaintiff's complaint failed to state a

claim for relief and dismissing case on April 8, 2022, after Plaintiff failed to amend complaint); *Lightfeather v. Green et al*, No. 8:21-cv-00208-RGK-PRSE (D. Neb.) (Filing Nos. 12 & 14, finding Plaintiff's complaint failed to state a claim for relief and dismissing case on October 12, 2021, after Plaintiff failed to amend complaint); *Lightfeather v. Ricketts et al*, No. 8:21-cv-00165-RGK-PRSE (D. Neb.) (Filing Nos. 12 & 14, finding Plaintiff's complaint failed to state a claim for relief and dismissing case on October 7, 2021, after Plaintiff failed to amend complaint); *Lightfeather v. City of Lincoln*, No. 4:20-cv-03118-RGK-PRSE (D. Neb.) (Filing Nos. 112 & 113, May 24, 2021 Memorandum and Order and Judgment dismissing Plaintiff's second amended complaint for failure to state a claim and for being frivolous); *Lightfeather v. Beatrice Sun Times, et al*, No. 8:21-cv-00114-RGK-PRSE (D. Neb.) (Filing Nos. 14 & 15, May 19, 2021 Memorandum and Order and Judgment dismissing Plaintiff's complaint as frivolous).

Plaintiff has failed to show that any of these cases were not dismissed as frivolous or for failure to state a claim, nor has he shown that he faces an imminent danger of serious physical injury. (See Filing 22, Case No. 8:21CV211.) Accordingly,

IT IS THEREFORE ORDERED that: Plaintiff's Motion for Leave to Proceed in Forma Pauperis on Appeal (filing 154) is denied.

Dated this 25th day of July, 2022.

BY THE COURT:



Richard G. Kopf
Senior United States District Judge